UNITED
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Security Council

Distr.
GENERAL

S/1996/96
12 February 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions and, in particular, resolution 1027 (1995) of 30 November 1995 which extended the mandate of the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia until 30 May 1996,

Having considered the report of the Secretary-General of 30 January 1996 (S/1996/65*) and his letter of 6 February 1996 to the President of the Council and the annex thereto (S/1996/94),

1. Decides to authorize, for the duration of the present mandate, an increase in the strength of UNPREDEP by 50 military personnel in order to provide for a continued engineering capability in support of its operations;

2. Approves the establishment of the position of Force Commander of UNPREDEP;

3. Requests the Secretary-General to submit to the Council not later than 20 May 1996 further recommendations on the composition, strength and mandate of UNPREDEP in the light of developments in the region;

4. Decides to remain seized of the matter.

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/97
12 February 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 10 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that violations of the Republic of Iraq's airspace by United States, British and French aircraft continued over the period 16-31 January 1996 and that those aircraft carried out reconnaissance and engaged in acts of provocation. The details are as follows:

1. In the northern region 131 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Mosul, Irbil, Dohuk, Zakho, Aqrah, Amadiyah, Tall Afar and Ayn Zalah.

2. In the southern region 923 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Jalibah, Amarah, Artawi, Busayyah, Lasaf, Qurnah, Chabaish, Shatrah, Shu'aybah, Qal'at Salih, Rumaythah and Salman.

3. On 24 occasions United States TR-1 reconnaissance aircraft flying at speeds of 500 kilometres per hour and at altitudes of 20,000 metres violated the Republic of Iraq's airspace in the southern region before leaving in the direction of Kuwait.

You are requested to intervene with the countries in question with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and the norms of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq asserts its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State.

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I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Security Council

Distr.
GENERAL

S/1996/98
12 February 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and with reference to the letters from the Permanent Representative of Iran that were circulated in the documents mentioned hereunder, I should like to comment on the allegations made in those letters concerning violations by Iraq of the provisions of the cease-fire between the two countries.

1. Document S/1994/719 of 17 June 1994:

There is no truth to the allegations made in the document.

2. Document S/1994/726 of 20 June 1994:

Paragraph 14: This was a movement by a Port Authority boat.

Paragraph 18: No defensive positions were excavated or installed. All that happens is that rainwater is emptied out of the rest shelters from time to time.

There is no truth to the other allegations.

3. Document S/1994/753 of 25 June 1994:

There is no truth to the allegations made in the document.

4. Documents S/1995/122 of 7 February 1995 and S/1995/161 of 27 February 1995:

The boats mentioned in the documents were civilian craft (fishing boats).

It is not true that Iraqi helicopters flew over Faw and Ra's al-Bishah while inside the aerial exclusion zone.

The boats mentioned in the documents were civilian craft belonging to the Iraq Port Authority.

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With regard to document S/1995/122 of 7 February 1995 the following may be noted:

Paragraph 4: The vehicle belonged to the Border Police and was carrying authorized personnel.

Paragraph 17: The position is 1.5 kilometres away and the Border Force gathers there to receive supplies and not for purposes of observation or training.

Paragraph 23: No building was constructed. All that happened was that a number of roofed shelters were erected in preparation for winter.

Paragraph 29: They were civilian vehicles and carried a number of farm workers.

There is no truth to the other allegations made in the two documents.

5. Documents S/1995/189 of 8 March 1995 and S/1995/194 of 10 March 1995:

The boats mentioned in the documents were civilian fishing boats.

It is not true that Iraqi helicopters flew over Faw and Ra's al-Bishah while inside the aerial exclusion zone.

The boats mentioned in the documents were craft belonging to the Iraq Port Authority.

With regard to document S/1995/189 of 8 March 1995 the following may be noted:

Paragraph 10: The only communications facilities are those of the Border Police and they are located more that 2 kilometres from the boundary.

Paragraph 13: The movement of a lone border guard was not ascertained at all. It is not possible for such an isolated movement by the person moving to be regarded as a violation.

Paragraphs 18 and 23: The persons in question were from the Shirhani border post. There was no violation.

Paragraph 32: There was no firing by the Border Force.

There is no truth to the remaining allegations made in the two documents.

6. Document S/1995/219 of 25 March 1995:

Paragraph 4: The location mentioned is 1.5 kilometres inside our national territory at Shayb, and there was no such construction activity.

Paragraphs 5 and 7: There were no Iraqi flights whatever inside the aerial exclusion zone.

Paragraphs 10 and 13: There were fishing boats only. There were no patrols in the Shatt al-Arab.

Paragraph 12: There were no engineering activities in the area in question.

There is no truth to the other allegations made in the document.

7. Document S/1995/333 of 25 April 1995:

Paragraph 4: The road was closed in response to a prior Iranian violation in the same area.

Paragraph 10: There were no Iraqi flights whatever inside the aerial exclusion zone.

Paragraph 19: There were no engineering activities in the area in question.

There is no truth to the other allegations made in the document.

8. Document S/1995/671 of 8 August 1995:

Paragraphs 3, 4 and 9: There were no engineering activities in the area in question.

Paragraph 6: The location mentioned is some 800 metres from the international boundary. There were no armoured units in this area.

Paragraph 7: There were no reconnaissance activities. All that happened was that there was a simple commemoration of the anniversary of the founding of the Baath party on 7 April. This took place some 3 kilometres away from the area of separation.

Paragraph 8: There were no armoured units in the area.

Paragraph 10: The movements were of fishing boats. There were no patrols in the Shatt al-Arab.

Paragraph 15: There were no Iraqi flights whatever inside the aerial exclusion zone.

Paragraph 19: There was no activity by the border forces. Police at the Iraqi Chilat post did not open fire at all.

There is no truth to the other allegations made in the document.

9. Document S/1995/753 of 30 August 1995:

Paragraph 2: There were no engineering activities by our units in the area. All that happened was that small channels were cut by the Ministry of Agriculture and Irrigation.

Paragraphs 9, 18, 19 and 20: The movements were those of civilian fishing boats only. There were no patrols in the Shatt al-Arab.

Paragraph 10: There were no Iraqi flights whatever inside the aerial exclusion zone.

Paragraph 27: There was no movement in the area in question other than by civilian farmers and herdsmen.

There is no truth to the other allegations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/99
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 13 FEBRUARY 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As will be recalled, the Security Council, on 31 July 1995, extended the mandate of the United Nations Mission in Haiti (UNMIH) for a period of seven months. In the attached letter of 9 February 1996, President Préval has requested a further extension of the mandate of UNMIH. My report to the Security Council will contain recommendations in this regard.

I would be grateful if you could bring President Préval's letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Letter dated 9 February 1996 from the President of Haiti addressed to the Secretary-General

[Original: French]

Notable progress towards the rehabilitation of institutions and the strengthening of democracy has been made since the restoration, on 15 October 1994, of constitutional order in Haiti.

We are grateful to the international community for the effective support it has given us under the banner of the United Nations.

My Government will strive resolutely to consolidate these achievements and lead the country towards the economic and social development that our people longs for.

In this context continuation of the work of UNMIH for a few months would facilitate accomplishment of this endeavour, in particular through the support that it would provide for the disarmament process and for our young National Police while the latter acquires the experience it lacks and continues to procure the equipment it still has need of.

I should therefore be grateful if you would take appropriate steps with a view to bringing about an extension of the mandate of UNMIH so that a gradual withdrawal may take place in the months ahead.

(Signed) René PRÉVAL

UNITED
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General Assembly
Security Council

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GENERAL

A/51/66
S/1996/100
13 February 1996
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 13 February 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning repeated Israeli attacks on southern Lebanon and the western Bekaa, I have the honour to notify you of a series of such attacks that took place in the second half of January 1996.

17 January 1996

Bra'shit and Shaqra and the environs of Tibnin, Haddatha and Ayta al-Jabal came under Israeli artillery bombardment. Two Lebanese, Sulayman Muhammad Jaghbir and Ali Yasin Muhammad Shihab, were injured.

18 January 1996

For security reasons, Israeli forces and Lahad's forces prevented anyone from Dibbin, in the Marj Uyun district, from leaving the area of the border strip.

20 January 1996

The Mlita hills, Jabal Safi and the environs of Ayn Bu Siwar, Jarju' and Arabsalim came under Israeli artillery bombardment.

21 January 1996

At 0600 hours the environs of Kafr Tibnin, Nabatiyah al-Fawqa, Zawtar al-Sharqiyah, Zawtar al-Gharbiyah, Arnun and Yuhmur came under Israeli artillery bombardment.

At 1130 hours the environs of Bra'shit, Shaqra, Ayta al-Jabal, Haddatha, Tibnin and Safad al-Battikh came under Israeli artillery bombardment.

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23 January 1996

The environs of Shaqra came under Israeli artillery bombardment.

25 January 1996

At 0430 hours the environs of Kafra, Yatar, Haddatha and Ayta al-Jabal came under Israeli artillery bombardment.

At 0945 hours the Mlita hills, Jabal Safi and the environs of Arabsalim, Jarju' and Ayn Bu Siwar came under Israeli artillery bombardment. There were no reports of casualties.

At 1000 hours the hills of Mashgharah and Ayn al-Tinah came under Israeli artillery bombardment.

At 1125 hours Israeli warplanes flew over Nabatiyah.

At 1230 hours the bombardment of the Mlita hills, Jabal Safi and the environs of Arabsalim and Ayn Bu Siwar was renewed, and Israeli warplanes made low-altitude overflights.

At 1530 hours the environs of Kafr Rumman, Kafr Tibnit, Nabatiyah al-Fawqa, Zawtar al-Sharqiyah and Zawtar al-Gharbiyah came under Israeli artillery bombardment.

27 January 1996

Israeli warplanes carried out low-level overflights in the Iqlim al-Tuffah area.

28 January 1996

The environs of Kafr Tibnin, Kafr Rumman, Mazra'at al-Hamra' and Nabatiyah al-Fawqa and its abandoned Lebanese Army barracks came under Israeli artillery bombardment and sniper fire from the Israeli positions. Serious damage was caused to the homes of Jamal Mustafa Ghandur, Fu'ad Mustafa Ghandur and Ali Musa Ghandur.

30 January 1996

At 0900 hours Israeli warplanes overflew the Iqlim al-Tuffah area.

At 1245 hours Israeli warplanes carried out two successive attacks on the Jabal Safi and Mlita hills.

At 1400 hours Israeli warplanes attacked the Iqlim al-Tuffah heights, the Mlita hills and Jabal Safi, and Israeli forces bombarded the environs of Muhtaqarah and Jun in the Shuf district.

At 1830 hours the environs of Bra'shit, Haddatha, Ayta al-Jabal, Kafra and Yatar came under Israeli artillery bombardment.

31 January 1996

Israeli warplanes overflew villages in the Tyre area at medium altitudes. Israeli helicopters strafed the wadis between Tibnin, Ayta al-Jabal, Haddatha and Bayt Yahun using heavy machine-guns.

The Lebanese Government strongly condemns these repeated Israeli attacks, which have caused enormous damage to property. It further condemns in the strongest terms the arbitrary practices against civilians. Like previous attacks, this new series constitutes blatant aggression against the sovereignty and independence of Lebanon and represents another flagrant violation of international law and basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under the item entitled "The situation in the Middle East", and of the Security Council.

(Signed) Samir MOUBARAK
Permanent Representative

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NATIONS

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Security Council

Distr.
GENERAL

S/1996/101
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 9 FEBRUARY 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 1037 (1996) concerning the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES).

Following consultations with the Government and others concerned, I wish to inform the Security Council of my intention to appoint Major General Jozef Schoups of Belgium as Force Commander of UNTAES. Major General Schoups is to take up his functions on 1 March 1996.

I should be grateful if you could bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Security Council

Distr.
GENERAL

S/1996/102
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 9 February 1996 (S/1996/101) concerning your intention to appoint Major General Jozef Schoups of Belgium as Force Commander of UNTAES with effect from 1 March 1996 has been brought to the attention of the members of the Council. They agree with the decision contained in your letter.

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/103
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have considered your progress report dated 30 January 1996 (A/50/868-S/1996/61) on the United Nations Assistance Mission for Rwanda.

The members of the Security Council concur with your observation that the United Nations still has a useful role to play in Rwanda. They encourage you to undertake consultations with the Government of Rwanda, as well as with relevant United Nations agencies, on the appropriate nature of the role of the United Nations in Rwanda after the expiration of UNAMIR's final mandate period on 8 March 1996. Such a presence should assist the process of establishing and consolidating a climate of relative normality and stability. They look forward to receiving your next report in advance of 8 March 1996 containing your recommendations on the nature and mandate of a continued United Nations presence in Rwanda.

The members of the Security Council urge you, in light of the unique circumstances and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR's equipment.

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

96-03459 (E) 130296 140296

UNITED
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Security Council

Distr.
GENERAL

S/1996/104
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have asked me to thank you for your letter dated 26 January 1996 (S/1996/67) and for the interim report transmitted with it about the work of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the Security Council arms embargo and allegations that those forces are receiving training to destabilize Rwanda.

The members of the Security Council underline the importance they attach to the work of the Commission, and to the investigations it is undertaking. They emphasize the need for those Governments which have not yet done so to respond to the Commission's inquiries. They note the particular importance of the cooperation of the Government of Zaire for the successful completion of the Commission's work and stress their expectation that such cooperation will be provided in accordance with Security Council resolution 1013 (1995).

The members of the Security Council look forward to receiving in due course the final report of the Commission requested in resolution 1013 (1995).

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/105
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 13 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a statement issued on 12 February 1996 by the Ministry of Foreign Affairs of the Republic of Tajikistan (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative

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Annex

[Original: Russian]

Statement issued on 12 February 1996 by the Ministry of Foreign Affairs of the Republic of Tajikistan

The Republic of Tajikistan has consistently adhered to the policy of settling the inter-Tajik conflict through exclusively peaceful, political means and, in fulfilment of the hopes and aspirations of all citizens of Tajikistan for a comprehensive peace and calm in the country, is taking an active position at the inter-Tajik talks being held in Ashkhabad and is putting forward new and constructive proposals. Tajikistan is scrupulously observing the provisions of the Tehran Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country, signed on 17 September 1994 by the Government and the Tajik opposition (see S/1994/1102, annex I).

However, in spite of the repeated statements issued by the Ministry of Foreign Affairs of Tajikistan regarding the escalation of tension in a number of districts in the Pamir region as a result of the activities of armed bands of the Islamic opposition, the opposition continues to perpetrate acts of terrorism and sabotage not only against servicemen but also against civilians of Tajikistan.

Thus, according to a report issued by the Ministry of Security of Tajikistan, on 11 February 1996 at 1600 hours near the settlement of Sicharog, a band of 100 men - including mercenaries from foreign Islamic States - led by field commander Mullo Abdullo attacked a column of vehicles transporting food and fuels and lubricants intended primarily for civilians living in Gorny Badakhshan Autonomous Region. Taking advantage of the element of surprise, the bandits destroyed three vehicles, killing four civilians and wounding three; seven were taken hostage. In perpetrating this act of terrorism, the bandits made use of recoilless weapons, grenade throwers, machine-guns and other small arms.

In view of the fact that the armed formations of the irreconcilable Islamic opposition regularly commit acts of terrorism and sabotage, on instructions from the Government, the Ministry of Foreign Affairs of Tajikistan appeals to the international community and to all States that are not indifferent to the fate of the suffering Tajik people to draw the appropriate conclusions from these facts and condemn the acts not only of the irreconcilable Islamic opposition, which has adopted barbaric methods in its armed struggle against its own people, including civilians, but also those States which, overtly or indirectly, are providing material, financial and military assistance to the bandits.

In Tajikistan, we are confident that the attempts by the extremists of the irreconcilable Islamic opposition to exert pressure through the use of force, intimidation, terror and violence are useless and will not help it achieve its aims. In Dushanbe, we are inclined to consider all such acts as nothing other than Islamic opposition's policy of refusing to engage in constructive dialogue

and of completely undermining the inter-Tajik talks. In this regard, the Government of Tajikistan reaffirms its position of principle to settle all existing political differences through peaceful negotiations, and calls upon the Tajik opposition to fulfil the obligations it has assumed.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/106
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 12 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a press release issued by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia on 12 February 1996, concerning the latest Sudanese charade to appear to be cooperating with the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mulugeta ETEFFA
Permanent Representative

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Annex

Press statement issued by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia on 12 February 1996

Those who have been following the Sudanese Government's acts since the involvement of the Sudan's security organs in the assassination attempt against President Mubarak was brought to the attention of the Organization of African Unity (OAU), and later to the Security Council, would recall the series of diversionary tactics resorted to by the Sudanese Government to evade the issue, making it abundantly clear that the Sudan's objectives have never been to cooperate with OAU or the Council. The Sudanese aim has been to scuttle OAU's efforts by complaining about what they asserted were procedural flaws in the approach to the problem of the Central Organ for Conflict Prevention, Management and Resolution and to stop OAU's consideration of the assassination attempt by insisting that it did not have the mandate to do so.

The Sudan started to profess readiness to cooperate with OAU only when it became clear that the Security Council would be seized of the matter. The Sudanese authorities accordingly shifted gear and their whole attention focused on doing everything possible to stop the Council from considering the assassination attempt. After deliberately provoking a border incident, the Sudan started to talk about Ethiopian aggression and took this to the Council at the same time as the Council was preparing to adopt a resolution on Sudanese involvement in the assassination attempt. But all these were in vain and the Sudan could not stop the Council from adopting resolution 1044 (1996), calling on the Sudan to hand over to Ethiopia the three suspects sheltering in its territory and further calling on the Sudanese Government to desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements.

Now the Sudan has come out with a new gimmick, this time through a ploy by its Attorney General who, in what can only be characterized as a joke, if not an affront to the Security Council, issued a statement calling on the three terrorists to report immediately to the nearest police station. Although no one can be hoodwinked by these latest Sudanese antics and the Sudan can fool only itself by this latest joke, this latest move by the Sudan cannot be dismissed lightly. Since the Sudan knows full well where the three terrorists are being sheltered and its security organs know where they are being kept (because they are being protected by its own security personnel), the call issued by its Attorney General is the latest confirmation that the Sudan is not about to comply with the request of the Council. Above and beyond its lack of sincerity, this call by the Sudan to the three suspects to report to police, six months after the Ethiopian request for their extradition, confirms without a shadow of a doubt that the Sudan will never ever cooperate with the Council.

It is the conviction of the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia that neither the Security Council nor OAU would be deceived by this call by the Attorney General of the Sudan. In fact, we have no doubt that the Council, OAU and the international community at large will view this latest Sudanese move as nothing else but a continuation of Sudanese

prevarication in an attempt to evade the demand of the Council that it knows it should, and can, meet. The Sudan does not need to issue a call to the suspects to report to its police authorities. Its security organs know where they are.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/107
13 February 1996

ORIGINAL: ENGLISH

LETTER DATED 12 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I wish to draw your attention to the provocative remarks about the Democratic People's Republic of Korea that a south Korean representative made at the 3627th meeting of the Security Council on 31 January 1996.

I am concerned about the imprudent behaviour of the south Korean representative, as it will lead to intensified confrontation between the north and the south of Korea and have a negative effect on international peace and security as a whole.

In view of the present situation on the Korean peninsula, where the cease-fire remains intact, the delegation of the Democratic People's Republic of Korea already expressed its concern over the possible negative impact on the Korean peninsula should south Korea become a member of the Security Council at last year's election for membership of the Security Council.

The utterance of the south Korean representative about an issue that was neither on the agenda nor had any link with the Democratic People's Republic of Korea raises great concern that the Security Council might be abused vis-à-vis selective countries, thus damaging the credibility of the Council.

It is a well known fact that the successive south Korean authorities used to fabricate "shocking incidents" and link them with the Democratic People's Republic of Korea whenever they were in crises.

I would like to underline that the south Korean representative's remarks are synchronized with the current political crises in south Korea.

Should such mean acts be allowed again in the Security Council, the situation will be further complicated and the Security Council will bear the responsibility for the aggravated situation on the Korean peninsula. The United States in particular cannot escape from its responsibility therefor.

The delegation of the Democratic People's Republic of Korea will closely watch every development in the Security Council.

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I would be grateful if you could kindly arrange to have my letter circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/108
14 February 1996

ORIGINAL: ENGLISH

LETTER DATED 7 FEBRUARY 1996 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, through you, for the information of the Security Council, the outcome of the fifth special session of the Governing Council of the United Nations Compensation Commission held in Geneva on 5 February 1996.

The Governing Council elected Poland, represented in the person of its Permanent Representative, H.E. Mr. Ludwik Dembinsky, as Vice-President, to replace the Czech Republic, whose membership in the Council expired on 31 December 1995.

The Council then listened to a report from the Executive Secretary of the Commission, H.E. Mr. Carlos Alzamora. The report highlighted the significance of the 6 February 1996 talks between Iraq and the United Nations on achieving the humanitarian formula of "oil for food" foreseen in Security Council resolution 986 (1995), in the light of the positive implications the success of such talks could have for the Commission's ability to honour its commitments and pay a substantial number of accumulated compensation awards. In more specific terms, the implementation of that resolution over 12 months would yield to the Compensation Fund US$ 1,200 million, an amount that equals the compensation awards already issued for hundreds of thousands of individual claimants in categories A and C.

Regarding late claims by individual claimants in categories A, B, C and D, the Governing Council approved a recommendation by its subgroup to accept only claims submitted by Yemen and the Office of the United Nations High Commissioner for Refugees in Geneva. Moreover, the Council responded positively to a request by the Government of Yemen to grant it a further extension of the deadlines for filing claims in different categories, in the light of the civil war in Yemen in 1994. The Governing Council decided that any other forthcoming late individual claims (categories A, B, C and D) would be rejected directly by the secretariat without referring them to the Council.

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With regard to late claims in categories E (corporate claims) and F (government claims), all claims filed after the designated deadlines were accepted for processing by the Governing Council. However, the Council made it clear that it would apply strict criteria, on a case-by-case basis, when dealing with any other E or F claims filed after 1 January 1996.

In the course of the meeting, the Executive Secretary introduced his new Deputy, Mr. Robert Souria, who replaces Mr. Liviu Bota.

The Governing Council agreed to hold its next regular session from 28 to 30 May 1996.

Finally, I would like to mention that all delegations were keen to follow developments in the New York talks between Iraq and the United Nations closely and requested that they be kept informed. The Council expressed optimism that such talks would lead to a successful outcome that could ensure a sustained financial flow to the Compensation Fund in order to meet the expectations of millions of claimants all over the world.

(Signed) Giuseppe BALDOCCI
President
Governing Council of the United
Nations Compensation Commission

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/109
14 February 1996

ORIGINAL: ENGLISH

FURTHER REPORT ON THE SITUATION OF HUMAN RIGHTS IN CROATIA PURSUANT TO SECURITY COUNCIL RESOLUTION 1019 (1995)

I. INTRODUCTION

The present report is submitted pursuant to paragraph 12 of Security Council resolution 1019 (1995) of 9 November 1995, by which the Council requested the Secretary-General to continue to inform it on a regular basis of measures taken by the Government of the Republic of Croatia to implement resolutions 1009 (1995) and 1019 (1995). These resolutions, inter alia, demanded that the Government of the Republic of Croatia respect fully the rights of the local Serb population in the former Sectors following Croatia's military operations, including their rights to remain, leave or return in safety, take urgent measures to put an end to all violations of international humanitarian law and human rights and investigate all reports of such violations so that those responsible for such acts be judged and punished. The resolutions furthermore condemned in the strongest possible terms all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia and demanded that all concerned comply fully with their obligations in this regard. In its presidential statement of 8 January 1996, the Council also requested the Secretary-General to keep it regularly informed of the progress of measures taken by the Government of the Republic of Croatia to implement resolution 1019 (1995) and to report to it no later than 15 February 1996 (S/PRST/1996/2).

My last report on this issue (S/1995/1051), submitted on 21 December 1995, covered the period up to the end of November 1995. The present report considers further developments up to the end of January 1996.

The structure of United Nations operations in Croatia has changed substantially since the submission of my last report. The mandate of UNCRO was terminated by the Security Council as of 15 January 1996. As a result of this decision, all United Nations military units, and their accompanying civilian components, including UNCRO political and humanitarian officers and United Nations civilian police, have now departed from the former Sectors West, North and South in Croatia. The international community's ability to monitor the human rights and humanitarian situation in these areas has accordingly been drastically reduced. United Nations personnel responsible for this task are

currently limited to a small team of officers from the United Nations High Commissioner for Refugees (UNHCR) and two human rights officers from the Centre for Human Rights of the United Nations Secretariat, working in support of the Special Rapporteur and the Expert on Missing Persons. A small number of officials from the International Committee of the Red Cross (ICRC), monitors from the European Community Monitoring Mission and a few other persons working for international non-governmental organizations (NGOs), as well as representatives of local human rights groups, are also independently engaged in monitoring human rights.

Since my last report, there has also been a dramatic change in the former Sector East, where the Security Council by its resolution 1037 (1996) of 15 January 1996 authorized the creation of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), with responsibility, among other tasks, for monitoring human rights and humanitarian matters in that part of Croatia. The situation in former Sector East will not be addressed in the present report.

II. HUMAN RIGHTS VIOLATIONS AND THE RESPONSE OF THE GOVERNMENT

A. General human rights situation

Since Croatia's forcible recovery of control over those parts of its territory formerly known as Sector West in May 1995 and Sectors North and South in August 1995, I have referred in several reports to the human rights and humanitarian situations in those areas and to the responses given by the Government of Croatia. These subjects have also been considered in depth by the Special Rapporteurs of the Commission on Human Rights, first by Mr. Tadeusz Mazowiecki in his periodic report submitted on 5 July 1995 (S/1995/575) and more recently by his successor Mrs. Elisabeth Rehn, in her first report to the General Assembly, dated 7 November 1995 (S/1995/933). These reports provided accounts of large-scale violations of human rights in these areas, particularly against members of the local Serb population who chose to remain in the wake of Croatia's military operations. In my last report, I observed that violations of human rights continued to be reported to the end of November, albeit on a reduced scale.

Since the end of November 1995, the incidence of human rights violations, including acts of killing, arson and looting, committed in the former Sectors West, North and South has continued to decline. This appears to have been due to several factors. The initial emotion and quest for vengeance that were unchecked by the authorities in the months immediately following the military operations of last summer have now waned. This, in turn, has resulted in a sharp decrease in wanton killing and destruction of property. The vast scale of looting observed last summer and autumn has depleted the area of valuable personal property and thus the incidence of theft has greatly diminished. In addition, the human rights violations in the former Sectors last summer led the Security Council and various Governments to condemn in the strongest terms Croatia's failure to adequately protect the rights of the local Serb population. The Government of Croatia eventually responded with a series of measures

intended to protect its citizens' human rights, and these initiatives seem to have begun to have a positive effect.

The Government of the Republic of Croatia is, of course, aware of the Council's request to be kept informed on a regular basis of measures taken by it to implement resolutions 1009 (1995) and 1019 (1995). The present report takes into account a document titled "Report by the Government of the Republic of Croatia on the implementation of Security Council resolution 1019" (hereafter referred to as "report by the Government"), which was issued through the Ministry of Foreign Affairs on 28 January 1996.

Since 1 December 1995, there have been only isolated incidents of killings in the former Sectors, and ethnic motivation has been impossible to confirm in these cases. Since that same date no reports of arson and only sporadic reports of looting and harassment have been received from the former Sectors. In one case reported in Gavrinica, former Sector West, in late January 1996, two local Serb residents apprehended a Croat man in the act of looting a Serb-owned house. However, when they brought the perpetrator to a local police station, the officer on duty refused to pursue the case, saying he feared how his colleagues would react. In Ocestovo, former Sector South, on 25 January 1996, an elderly couple was robbed of firewood by uniformed men with a truck, minutes after the wood had been delivered to their house by an international humanitarian organization. The couple declined to report the incident to police for fear of possible reprisals. Another reliable report received from the former Sector South in late January recounted that a 75-year-old man was severely beaten by looters, who left him on a roadside. The same man reportedly had been forced a few weeks earlier to escort a truck with his looted livestock to Split. The looters used the man's presence to pass through Croatian police checkpoints and then left him at a railway station upon arrival in Split.

Despite the reduced levels of apparent human rights violations, there is still clear evidence of deficiencies in measures taken by the Government to ensure the security and well-being of the population which continues to reside in the former Sectors. The report by the Government issued at the end of January 1996 states that 3,500 policemen were deployed in those areas following the military's "Operation Storm" in August 1995, and further states that their number has not been reduced to date. However, reports received from United Nations and non-governmental sources indicate that Croatia's civilian police presence in the three former Sectors continues to be disturbingly thin, despite repeated statements by local officials who acknowledged the deficiency and told international observers that police protection would be reinforced imminently.

B. Investigation and prosecution

In the report by the Government, information is provided that, as of 19 January 1996, criminal proceedings were under way in Croatian military and civilian courts against 1,005 persons accused of having committed crimes during and after Operation Storm. Of these, 352 cases were in the stage of pretrial investigation, while 653 cases were in trial proceedings. According to the Government, 868 of the suspects or defendants in these cases are Croat, while 39 are Serb and 98 are of other national origins. The Government further reports

that, as of 9 November 1995, 80 persons then under proceedings were active members of the armed forces of the Republic of Croatia at the time they allegedly committed criminal acts. It will be recalled that international observers had reported that many of the persons seen committing criminal acts in the former Sectors were members of the Croatian armed forces. The Government has responded to this by saying that many alleged perpetrators were civilians misusing military uniforms.

1. Violation of the right to life

In my last report (S/1995/1051), I noted a statement by the Government of Croatia that 20 persons had been charged before judicial authorities, as of 31 October 1995, in cases concerning a total of 31 killings. The report by the Government now indicates that, following investigations, charges have been lodged against five additional persons suspected of killings committed in the former Sectors. In the widely publicized Varivode case, concerning the killings of nine elderly Serbs in that hamlet in the former Sector South on 28 September 1995, the Government now indicates that the trial of four defendants is drawing to its conclusion. In proceedings concerning the killings of seven Serbs in Gosic (former Sector South) on 27 August 1995, the Government reports that pretrial investigations are continuing against six persons, including two who are also defendants in the Varivode case, but formal charges have not yet been filed.

In the case concerning the killings of five elderly Serbs at Grubori on or about 25 August 1995, the report by the Government states that "the site of the crime was inspected by police on the same day on which it was reported by the United Nations Human Rights Action Team". This incident was discussed in my last report (para. 25). The statement in the report by the Government is contradicted, however, by members of the United Nations team, who report returning to the site the next day and learning from local residents that no Croatian police had visited the scene the day before.

The discrepancy, noted in my earlier report, between the number of apparent violations of the right to life recorded by United Nations investigators in the former Sectors - at least 150 - and the number of cases acknowledged by the Croatian authorities continues to be unaccountably large. While the Government has pursued prosecutions in the most dramatic cases, e.g. the massacre of nine Serbs at Varivode, and some others, there is little evidence of progress in resolving the many other reported cases of individual killings. The report by the Government indicates that 26 investigations have been completed to date, including one additional case resolved since 31 October 1995. The passage of time and difficulties in preserving evidence are likely to make many of the remaining cases virtually unresolvable.

2. Violations of property rights

As regards the reports of a massive campaign of arson conducted in the former Sectors North and South following Croatia's successful military operation of 4 to 7 August 1995, it was observed in my last report that the estimated

total number of houses destroyed by fire was in excess of 5,000. The report also contained statistics provided by the Government on this issue, which varied greatly from United Nations estimates:

> "2,787 arson cases have been registered. This includes 2,072 buildings partly affected by combat operations, whereas 715 were partly or wholly destroyed in deliberate actions. Criminal charges have been brought against 11 persons" (para. 15).

In the recent report by the Government, the Croatian authorities provide new statistics indicating that the number of homes partly or totally destroyed by deliberate acts of arson is now estimated to be 786. The Government has provided no new information on whether charges of arson have been brought against any but the 11 persons mentioned in its statistics from late 1995 or whether any convictions have been recorded in these 11 cases.

As regards looting, it was noted in my last report that abundant evidence indicated that looting had taken place in the former Sectors on an enormous scale. According to data provided at that time (31 October 1995) by the Government:

> "1,054 cases of looting have been established, of which 770 cases have been clarified, and 1,260 persons charged" (para. 18).

At that time, it was observed that a number of these 1,260 suspects were apparently charged with alleged acts of looting and then released.

The report by the Government provides new figures on measures taken in cases of looting. It states that a total of 1,600 cases of grand larceny have been reported, 1,151 of which have been solved, and 935 persons have been charged with the crime of aggravated larceny and brought to trial. The Government further notes that 41 criminal acts of robbery have been reported, 26 of which have been solved by the police, 55 persons have been criminally charged with robbery and 36 persons are now standing trial. The report by the Government does not explain the apparent anomaly that fewer persons in total are reported now to have been charged with larceny and robbery (935 + 55) than were reported to have been charged with looting in late 1995 (1,260). Further, no information has been provided by the Government on whether any convictions have resulted from criminal proceedings for looting, grand larceny or robbery.

III. HUMANITARIAN SITUATION IN THE FORMER SECTORS

Significant progress appears to have been made in the former Sectors in the provision of humanitarian assistance to needy persons, particularly Croatian Serbs, although the need for vigilance remains great. The Government indicates that it has undertaken a census of the former Sectors, which has identified 9,773 such persons living there following the summer's military operations.

As indicated in my previous report, the Croatian Ministry for Labour and Social Welfare has opened reception centres for sick and elderly persons in Petrinja, former Sector North, and Knin, former Sector South. According to the

report by the Government, 60 persons have been accommodated in the reception centre at Knin. The centres were opened by the Ministry in coordination with the Croatian Red Cross and the Croatian Delegation of the International Federation of Red Cross and Red Crescent Societies, pursuant to an agreement reached on 27 November 1995. The Government reports that it has also established social work centres in 15 locations throughout the former Sectors North and South, although it concedes that these centres suffer from a lack of qualified and other personnel. Similar centres also exist in the towns of Pakrac and Daruvar in the former Sector West.

According to the report by the Government, the State welfare agency has provided financial assistance to needy persons in the former Sectors, amounting to 200 kuna (approximately US$ 40) per household on three occasions, resulting in a total disbursement of some 2 million kuna (approximately US$ 400,000) to 9,751 households. The Government states that these beneficiaries have now been included in the country's regular welfare system. The report by the Government further states that some persons in the former Sectors were issued identification documents free of charge because of their income status.

However, sporadic reports continue to be received by the United Nations and other agencies of problems faced by Croatian Serbs in gaining access to basic humanitarian assistance. Issuance of basic identity documents in some municipalities continues to be slow and inefficient. In the Daruvar area, some elderly Croatian Serb residents have reported being turned away from medical facilities for lack of proper documents. Croatian Serbs have also reportedly had difficulty in recovering their farm equipment and livestock impounded by the Government during last summer's military operations. The Croatian authorities are said to have taken the position that the property's owners must first pay storage and feeding costs, which frequently approach the property's overall value. It has also been reported, in the former Sector West, that transport for Croatian Serbs from the outlying villages to the main population centres is hampered by bus routes that fail to pass through many Serb communities.

In my last report, I noted that the Croatian fund for pension and disability insurance announced it would distribute 666 pension allowances to Croatian Serb citizens, effective August 1995. The programme has encountered difficulty owing to the Croatian authorities' insistence in some cases that beneficiaries must first pay all arrears in pension contributions owed to the Government. Since the sums called for are prohibitive for many applicants, the latter continue to receive no pension benefits and frequently lack any other source of income.

IV. QUESTION OF THE RETURN OF CROATIAN SERB REFUGEES

At the end of 1995, the Croatian Government took a positive step towards encouraging the return of Croatian Serb refugees to the former Sectors when it suspended the time-limit within which Croatian Serbs would have been required to file claims to property abandoned during last summer's military operations. The Law on Temporary Take-Over and Administration of Property had previously given property owners until 27 December 1995 to file such claims or risk having their property handed over to displaced persons for their temporary use. While the

law provided that such takeovers would not prejudice ownership rights, the hasty procedure by which it would have permitted displaced persons in Croatia, a majority of whom are Croat, to move into properties owned by Croatian Serbs contributed to a climate widely perceived as hostile to the return of Croatian Serb refugees. The Croatian Government announced at the end of 1995 that it would seek to address the difficult issue of abandoned property in discussions with the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).

The report by the Government of Croatia indicates that the State Office for Displaced Persons and Refugees has received requests to return from nearly 5,000 people, and has approved return in 1,841 cases. The Office is said to be processing some 50 files a day. The Federal Republic of Yugoslavia (Serbia and Montenegro) estimates that up to 80 per cent of the publicly claimed 200,000 Krajina Serbs will choose to remain in the Federal Republic of Yugoslavia (Serbia and Montenegro). So far 14,000 of them have registered with the Croatian Bureau in Belgrade their wish to return.

However, few refugees appear actually to have returned to Croatia since the issuance of my last report. Both the Croatian liaison office in Belgrade and the Croatian Embassy in Budapest reportedly continue to be uncooperative and obstructive in handling requests for return. As of 31 January 1996, UNHCR reported that only some 200 refugees had managed to return to Croatia through its intervention, while several hundred more were believed to have succeeded in returning on their own. The Croatian Government continues to take the position that the question of the mass return of refugees will be addressed only through a specific agreement reached concurrently with the establishment of diplomatic relations between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro).

As regards Croatian Serbs displaced from the former Sector West in May 1995 and subsequently resettled in the region of Eastern Slavonia (former Sector East), a Croatian government spokesman suggested in January 1996 that the terms of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex) provide for the return of these persons to Western Slavonia. The statement, however, was predicated on political considerations, with the official suggesting that an excess of Serbs in Eastern Slavonia could lead to political instability in that area.

V. CONSTITUTIONAL RIGHTS OF THE REMAINING SERB POPULATION

In my last report, I noted the decision of the Croatian Parliament taken in September 1995 to suspend temporarily several articles of a special constitutional law affecting the rights of national minorities. Among other provisions, these articles provided for special self-governing status for districts predominantly populated by a national minority, and they granted special rights of representation in the national Government to minority groups constituting more than 8 per cent of the country's population.

The Government argues that this decision is justified by the fact that the Serb population in Croatia decreased by over 200,000 persons last summer when

local Serbs fled from Croatia to Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) as a result of the military operations. At the same time, however, the Government maintains that the rights of Serbs remaining in Croatia are protected primarily by the Constitution itself and by other pertinent legislation, as are the rights of all national minorities. The Government points to article 15 of the Croatian Constitution, which reads in full:

> "Members of all nations and minorities shall have equal rights in the Republic of Croatia. Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script and cultural autonomy."

The Croatian Government's decision to revoke certain citizenship rights, notably those related to political representation, previously enjoyed by Croatian Serbs now residing in the Federal Republic of Yugoslavia (Serbia and Montenegro) stands in marked contrast to the policy followed with respect to persons of Croat national origin residing in Bosnia and Herzegovina. These persons, who are considered under Croatian law to be citizens of Croatia, enjoyed full voting rights in the national elections held in Croatia on 29 October 1995, and are represented in the Croatian Parliament.

As regards the establishment of a provisional human rights court, which is one of the suspended provisions of the above-mentioned constitutional law on the rights of national minorities, the Government insists that this project is still under way. The report by the Government states that legal experts from the Council of Europe have recently been called in to provide advice on the establishment of this court. At the same time, however, the Government has called attention to Croatia's ratification in 1995 of the Optional Protocol to the International Covenant on Civil and Political Rights, which permits individuals to communicate to the Human Rights Committee alleged violations of their rights under the Covenant.

VI. DETENTION OF SERBS FROM THE FORMER SECTORS

On 31 December 1995, the President of Croatia issued a decree granting amnesty to 451 Serbs held in prison since last summer on charges of "armed rebellion" for their alleged military support of the so-called "Republic of Serb Krajina". 1/ According to ICRC, 103 persons were released immediately from prison while 348 others were transferred to the Gasinci refugee camp in eastern Croatia, where they were interviewed by ICRC officials. In accordance with their wishes, 306 of this latter group were transported with ICRC assistance to the Federal Republic of Yugoslavia (Serbia and Montenegro), while the remainder were released in Croatia. The decision of the Croatian Government to grant amnesty to these individuals was noted with appreciation by the Security Council in its presidential statement of 8 January 1996. The decision to grant amnesty followed an appeal made to the Government by ICRC on 22 December 1995 to release the detainees on the basis of the Second Additional Protocol to the Geneva Conventions, article 6, paragraph 5 of which states that at the end of hostilities "the authorities in power shall endeavour to grant the broadest

possible amnesty" to persons detained in connection with a non-international conflict.

According to ICRC, another 389 persons remain detained in a total of 15 detention centres in Croatia on charges arising from their alleged participation in the conflict. Access to these persons for ICRC and other international organizations has generally been unrestricted in conformity with Croatian law, and there have been only a few alleged cases of mistreatment. International observers engaged in trial monitoring have raised the concern that many detainees have inadequate legal representation or indeed are unrepresented. The Government's response to this assertion has been to state that, in conformity with Croatian law, defendants will be provided with a court-appointed defense lawyer at their request only if a sentence of 10 years or more may be imposed for the crime with which the defendant is charged.

VII. COOPERATION WITH THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

The Prosecutor of the International Tribunal reports that he has had regular high-level contacts with the Croatian authorities, and maintains a liaison office in Zagreb. Substantial investigations have already been conducted with the cooperation of the authorities in Croatia, and relevant information has been provided to the Prosecutor's office. Such activity is expected to continue.

Despite certain reports, it is not the policy of the Prosecutor's office to conduct joint investigations with local authorities, nor will the Prosecutor of the International Tribunal attempt to investigate all war crimes perpetrated on Croatian territory. Subject to the ability of the International Tribunal to assert its primacy, the Croatian national courts, which have concurrent jurisdiction over such crimes, will be expected to play their part in bringing those responsible to justice.

In recent weeks a number of discussions have taken place following the reaffirmation in the Dayton agreement of the commitment of all parties towards full cooperation with the Tribunal. As a result, the Prosecutor is optimistic that the Croatian authorities will not obstruct, and will actively assist, his efforts to ensure that persons indicted for serious violations of international humanitarian law will be brought before the Tribunal for trial in the near future. Arrangements are currently being made to secure the appearance of one such person.

Croatian legislation providing for full cooperation with the International Tribunal has also been prepared, and its introduction is reported to be imminent.

VIII. OTHER ISSUES

In my last report, I noted concerns which had been raised about the conduct of Croatian authorities towards refugees who have been living at the Kupljensko camp near Vojnic, former Sector North, since early August 1995. Between 8,000 and 9,000 Bosniacs from the Velika Kladusa area of Bihac, north-west Bosnia and Herzegovina, remained in the camp as of 31 January 1996, while some 10,000 former residents of the camp had repatriated.

Material conditions have improved somewhat in the camp in recent months, thanks largely to assistance provided by international humanitarian organizations. Nevertheless, provisions for shelter remain primitive, and the winter cold is placing children's health in particular at great risk. The camp continues, moreover, to be rigidly controlled in a near prison-like manner by Croatian Special Forces (belonging to the police) which surround it, placing additional strains on the refugees. One refugee was reportedly shot and killed by police earlier this year when attempting to re-enter the camp through an unofficial entry point. The tension in Kupljensko camp has increased recently with the arrest on 1 February 1996 of 69 refugees, 46 of whom were eventually sent back to Velika Kladusa against their will.

Croatia continues to deny refugee status to residents of the camp, and returns to Bosnia and Herzegovina have slowed recently to fewer than 20 people a day. The difficult situation in Kupljensko thus remains a matter of concern.

IX. CONCLUDING OBSERVATIONS

The report by the Government of 28 January 1996 constitutes a welcome, if incomplete, statement of intended policy and operational initiatives to improve Croatia's human rights record. It is clear that international concern and attention in this area will not dissipate until there is evidence that the various policy initiatives have been implemented. It is gratifying that the incidence of human rights violations noted in the past two months in the former Sectors in Croatia has been greatly reduced from the levels recorded in the months immediately following last summer's military operations. The potential for recurrence, however, remains substantial, and in this regard the continuing absence of a strong and responsible local police presence remains a cause for concern. It is desirable that the Government of Croatia undertake all possible measures to ensure the security of the Serb population that remains in the former Sectors.

Information provided by the Government of Croatia indicates that a large number of judicial proceedings have been instituted with respect to crimes and human rights violations that were allegedly committed, mostly against Croatian Serbs, in the aftermath of the military operations. However, many reported cases of killings are unresolved, and there is scant evidence of trials concerning acts of arson or looting being brought to a conclusion. It will be important to continue to monitor the judicial process to ensure that the widespread criminality documented by international observers last year does not go unredressed.

Continued vigilance in respect of the humanitarian needs of the elderly Croatian Serbs who remain in the former Sectors is essential. The Government of Croatia is to be commended for the steps it has taken, albeit belatedly, in this regard. However, there continues to be cause for concern that resources, both human and financial, made available for this purpose are insufficient.

Little progress has been made on the return of Croatian Serb refugees to Croatia. The Government indicates that this matter will be addressed principally in the course of initiatives to be taken for the normalization of relations between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). However, this should not delay the return of persons who satisfy the legal conditions necessary for immediate return. Disturbing reports continue to be received that government offices responsible for expediting this procedure are conducting their work in an uncooperative and obstructive manner.

The decision of the Government of Croatia to grant amnesty to 451 Serbs alleged to have taken up arms in support of the "Republic of Serb Krajina" was an important step towards the creation of conditions in which former combatants will be able to live together in Croatia in peace. However, 389 persons remain in detention in Croatian prisons, charged with crimes allegedly committed during the conflict. It is to be hoped that Croatia will respond to international calls to ensure that these persons are granted fair judicial proceedings and, indeed, that due consideration will be given to granting them amnesty, in accordance with the principles of international law.

With the termination of the UNCRO mandate on 15 January 1996, the number of international personnel in Croatia (outside the former Sector East) with a mandate to monitor human rights has been drastically reduced. As noted above, such personnel are now limited to a small team of officers from UNHCR and two human rights officers from the Centre for Human Rights working in support of the Special Rapporteur and the Expert on Missing Persons, as well as some representatives of international NGOs. The ability of the United Nations to assess further developments on the important issues raised in this report will accordingly be very limited.

Notes

1/ Although the decree named 455 persons to be released, the International Committee of the Red Cross concluded that 4 names were duplicated on the list.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/110
14 February 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 14 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the message addressed to you as President of the Security Council by His Excellency Sylvestre Ntibantungganya and His Excellency Antoine Nduwayo, respectively President and Prime Minister of the Republic of Burundi, in connection with the crisis in our country.

The Government of Burundi would be grateful if you would have this message circulated to all Member States as a document of the Security Council.

(Signed) Terence NSANZE
Permanent Representative

96-03597E (E) 140296 140296 150296

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Annex

Letter dated 13 February 1996 from the President and the Prime Minister of the Republic of Burundi addressed to the President of the Security Council

The Government of the Republic of Burundi expresses its gratitude to you for your unceasing commitment to the people, State and Government of Burundi.

The Government supports the laudable efforts of the Security Council to promote a return to peace, security and national reconciliation in Burundi. The Government will continue to avail itself, notwithstanding the many pitfalls awaiting it, of the concern of the United Nations system for the people of Burundi with a view to emerging from the crisis.

We reiterate our gratitude for everything that the United Nations in general, and the Security Council in particular, has done and is continuing to do to restore confidence, security and peace for all the people of Burundi.

In recent months the Secretary-General of the United Nations has dispatched several emissaries to our country. Positions which require clarification and verification against today's realities in Burundi have been taken by some of these emissaries, while the Secretary-General speaks, to save the situation in Burundi, of military intervention.

The Government of Burundi, as you have had an opportunity to observe during your most recent visit to the country, has been engaged for three months in establishing a policy of dialogue so as to counter all the extremist and factional elements which are undermining attempts to restore confidence and peace in our country. The first stage was an open and very positive dialogue which took place in the Council of Ministers throughout December 1995 on the question of security. Further to that debate there has been a campaign to raise awareness of the return to confidence, security and peace, the first positive signs of which are apparent to any observer of good will. Thus the Government and the forces of law and order have succeeded in thwarting destabilizing intrigues on the part of certain political leaders during the most recent work stoppage, and the campaign to raise awareness of the return to peace is gradually reducing the room for political and military manoeuvre by fundamentalist political-military groups. This initiative must be maintained since it is likely to lead to the organization and conduct of national dialogue in conditions of calmness and security.

The United Nations and the rest of the international community should focus their assistance in more concrete terms on areas which are providing the people of Burundi as a whole with greater physical and moral comfort and which are encouraging all the people to pursue the dynamic of peace and national reconciliation.

To this end it is necessary:

(a) To continue to support the Convention of Government, an instrument of peace capable of bringing together all moderate forces in the collegial management of the country so as to counter effectively extremists of all stripes who are undermining peace and security in Burundi;

(b) To assist Burundi in identifying foreign lobbies which are supporting armed groups in the service of an ideology of physical extermination on an ethnic or political basis;

(c) To deploy all possible means to identify and destroy the radio station of hatred known as "Radio Democracy";

(d) To condemn all forms of fundamentalist and destabilizing rebellion, as well as all forms of fundamentalism;

(e) To encourage diplomatic initiatives intended to promote the role of the region and a future of peace, stability and development in the Great Lakes region as a whole, like those which led to the Cairo Summit;

(f) To grant assistance to displaced, repatriated and dispersed groups and support efforts at national reconciliation so that this problem may be definitively resolved;

(g) To help in the rehabilitation of the socio-economic infrastructure destroyed during the crisis,

(h) To provide the necessary support for the judiciary, territorial administration, the forces of law and order, reconstruction and stimulation of the national economy, etc.

The Government of Burundi calls on the international community to continue to support and assist the people of Burundi in the quest for a definitive and satisfactory solution, for all parties, in strict respect for its sovereignty and to the exclusion of any use of force.

May I thank you once again for the particular attention that you have devoted to Burundi and to the realistic solutions to its crisis.

(Signed) Sylvestre NTIBANTUNGGANYA
President of the Republic

(Signed) Antoine NDUWAYO
Prime Minister

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/111
15 February 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and with reference to the letter dated 23 June 1995 from the Permanent Representative of Iran to the United Nations (S/1995/508), which contained allegations that Iraq had violated the terms of the cease-fire between the two countries, I should like to state as follows:

1. Paragraphs 1 and 14: There were no engineering activities in the area. All that happened was that some small channels were cut for the Ministry of Irrigation.

2. Paragraphs 7 and 19: There was movement only of fishing boats, and there are no patrols in the Shatt al-Arab.

3. Paragraphs 11 and 17: There were no Iraqi flights inside the aerial exclusion zone.

4. Paragraphs 10 and 16: These are border posts belonging to the border forces. The information is incorrect.

5. The other Iranian allegations are untrue.

I should be grateful if you would HAVE this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-03647 (E) 160296
9603647

UNITED NATIONS **S**

Security Council

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S/1996/112
14 February 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN HAITI

I. INTRODUCTION

1. By its resolution 1007 (1995) of 31 July 1995, the Security Council decided to extend the mandate of the United Nations Mission in Haiti (UNMIH) for a period of seven months until 29 February 1996, and requested me to report to it on progress in the fulfilment of its mandate at its mid-point. In compliance with that resolution, I submitted a report to the Security Council on 6 November 1995 (S/1995/922). Subsequently, on 16 November 1995, the Security Council, through its President, requested that, in consultation with the Friends of the Secretary-General for Haiti and the Haitian authorities, I submit to the Council, at the appropriate time, a report on the "next steps in the areas of security, law enforcement and humanitarian assistance, ... which the international community may take to help Haiti to achieve a long-term future that is secure, stable and free" (see S/PRST/1995/55). The present report is submitted in pursuance of that request, following my observations to the Security Council on 22 January 1996 and the briefing of the Council by my Special Representative on 30 January 1996. It covers significant developments in Haiti since my report of 6 November 1995 and includes an assessment of achievements there by the United Nations, together with my recommendations on the role that the United Nations should continue to play in Haiti to consolidate the gains achieved so far. It takes into account a letter, dated 9 February 1996, in which the newly elected President of Haiti has asked me to "take appropriate steps with a view to bringing about an extension of the mandate of UNMIH so that a gradual withdrawal may take place in the months ahead". President Préval's letter has been circulated under the symbol S/1996/99.

II. ELECTIONS

2. Political activity during the period covered by the present report centred around the presidential election. A campaign was launched to have President Aristide remain in office for three more years to make up for the time he had spent in exile. This campaign, which caused some confusion, including within the Lavalas Movement, lost momentum after President Aristide made it

clear that he would hand over power, as provided for in the Constitution, on 7 February 1996.

3. The timely holding of the presidential election was a significant step in the consolidation of constitutional order in Haiti. Learning from the experience it had gained from the flaws in the organization of legislative and local elections, the Provisional Electoral Council made elaborate preparations. Fourteen candidates participated in the election. Of the main parties that had boycotted the second round of the legislative elections, only one took part in the contest despite its initial doubts over the impartiality of the electoral apparatus. The Provisional Electoral Council maintained a regular dialogue both with the candidates, in order to address their concerns, and with the media, in order to ensure a continuous flow of election-related information. As a result, the Provisional Electoral Council was widely credited with having improved the openness and transparency in the electoral process. In accordance with its mandate, UNMIH provided extensive technical assistance to the Provisional Electoral Council in preparing for the election, as well as the necessary logistical support. Material required for registration and polling was distributed and collected throughout the country with the help of UNMIH. Haitian National Police and UNMIH forces prepared a detailed national election security plan to ensure security for the entire electoral process, including security for the candidates and their public meetings.

4. Polling took place in a peaceful environment. There were no major incidents of violence during the run-up to the election, on polling day, or during the counting over the following days. While there were minor problems, the Provisional Electoral Council worked with dispatch to solve them. Over 400 international observers, including the Election Observation Mission (EOM) of the Organization of American States (OAS), a presidential delegation from the United States, a French parliamentary delegation and several non-governmental organizations (NGOs), all considered the election to have been free, fair and peaceful. Some disappointment was expressed at the low voter turnout (about 28 per cent), for which various reasons were cited: disenchantment over the lack of tangible economic progress; the desire of a segment of the population that President Aristide should continue in office for another three years; election fatigue; and a general feeling that the victory of the Lavalas candidate was a foregone conclusion.

5. The results of the election were announced on 23 December 1995 by the President of the Provisional Electoral Council. Mr. René Préval, President Aristide's Prime Minister in 1991 and the candidate of the ruling Lavalas Movement, won in the first round with 87.9 per cent of the votes. His assumption of power on 7 February 1996, when one democratically elected President succeeded another, was an important milestone in Haitian history.

III. SECURITY SITUATION

6. As previously reported (see S/1995/922, para. 12) the security situation in Haiti had improved markedly in September and October 1995 as a result of the more active role played by the Haitian public security forces and of the continued efforts of UNMIH. Throughout the country, the fear that had been

widespread earlier in the year had all but disappeared, and people felt more confident that the Haitian National Police and the Interim Public Security Force, with UNMIH support, were providing adequate protection to the public and could cope with any situation. Although the number of popular demonstrations over economic and social issues, such as the lack of schools, roads, electricity or employment, continued to increase, they were generally peaceful and did not generate any lasting or widespread tensions.

7. However, the security situation deteriorated abruptly in the wake of the attack on 7 November 1995 against two deputies, one of whom - M. Jean Hubert Feuillé - was killed and the other seriously injured. Violent demonstrations erupted in Les Cayes, Département du Sud, to which the two deputies belonged, necessitating the deployment of the Quick Reaction Force and joint Haitian National Police/UNMIH patrols for several days until the situation stabilized. On 11 November, President Aristide, in highly emotional remarks at the funeral service for deputy Feuillé, called for immediate and total disarmament and accused the international community of complacency in this regard. Agitation quickly spread to other cities. Roadblocks were set up, and demonstrations, acts of arson, looting, weapons searches and vigilante justice occurred in various places throughout Haiti, especially Port-au-Prince, Gonaïves and Cap Haïtien. Confusion and fear reappeared and there were reports that members of the bourgeoisie and former members of the armed forces were hurriedly leaving the country. Following a meeting with President Aristide, my Special Representative appealed to the people on 13 November not to take the law into their own hands and the police, with the support of UNMIH, slowly re-established control. These incidents, which left at least seven people dead, many more injured and considerable property damage, brought home the fact that the security situation was still fragile.

8. UNMIH has enjoyed the support and respect of the overwhelming majority of the Haitian people. My Special Representative and his senior civilian and police colleagues, as well as the UNMIH military commanders and their officers, have kept in close touch with Haiti's ministers, civil servants and community leaders. However, from the beginning, small groups on both the left and the right of the political spectrum have expressed opposition to what they refer to as the "invasion" carried out by the United States of America in September 1994 and the perceived "occupation" of the country by both the United States and the United Nations. During the above-mentioned days of renewed tension in mid-November, anti-United Nations slogans appeared on the streets of Port-au-Prince and on some leaflets. Earlier in August, an UNMIH Civilian Police (CIVPOL) officer had been shot in his house in Petit Goâve and critically wounded. On 17 December, also in Petit Goâve, shots were fired at an UNMIH military vehicle. The vehicle was hit but, fortunately, nobody was injured. On 29 January 1996, a CIVPOL officer was killed in Port-au-Prince in an apparent robbery attempt. Notwithstanding these incidents, which are still being investigated, there is no indication of any organized threat against UNMIH personnel.

9. Common crime, however, remains a very serious problem throughout the country, and a major concern for the population, especially the poorer section. Incidents involving theft of property from UNMIH's installations and personnel have become more frequent lately.

IV. HAITIAN NATIONAL POLICE

10. In my last report (see S/1995/922, para. 17), I mentioned that the Government of Haiti had decided on a national police force of 5,000 officers, to be trained and deployed before the end of the mandate of UNMIH on 29 February 1996. At present, over 3,600 Haitian National Police personnel have been deployed. Over 750 new policemen graduated on 20 January and are currently being deployed. By mid-February, the last class - the ninth - will complete its training.

11. Following the gradual demobilization of most members of the Interim Public Security Force, which had originated in the disbanded Haitian Armed Forces, the Interim Force was abolished by presidential decree on 6 December 1995. By the end of February 1996, the security forces should comprise about 6,500 personnel and include the National Palace and Residence Guards, the Ministerial Guard Unit, some 900 Interim Public Security Force personnel trained in United States facilities in Guantánamo, Cuba, some 130 former officers from the disbanded Armed Forces of Haiti (FAd'H) and a few Interim Force technicians.

12. It will be recalled that, under Security Council resolution 940 (1994) of 31 July 1994, UNMIH was mandated to assist the Government of Haiti in the creation of a police force. Pursuant to Council resolution 975 (1995) of 30 January 1995, a total of 847 United Nations CIVPOL officers from 19 countries were deployed in 19 locations. While formal training of the new police force is being carried out with the assistance of Canada, France and the United States in the Police Academy, run by the International Criminal Investigative Training Assistance Programme (ICITAP) of the United States, UNMIH has worked closely with the Haitian authorities to provide on-the-job training and to give guidance to the new police officers now deployed throughout the country and monitor their performance. In addition, three CIVPOL officers are assigned to a 10-man Criminal Investigation Unit to investigate particularly sensitive murder cases. Two Haitian National Police officers are attached to CIVPOL headquarters and are undergoing on-the-job training in administrative procedures, computer use and statistical work. To enhance its training capacity and ensure closer cooperation, CIVPOL has moved into Haitian National Police stations at a number of locations such as Port-au-Prince, Arcahaie and Croix des Bouquets. UNMIH has instituted a programme to train 200 Haitian National Police drivers in an attempt to reduce the critically high accident rate and prevent further loss of vehicles recently acquired for the police.

13. The Haitian police officers have a visible presence on the roads and in various communities. They engage in foot and mobile patrols, receive complaints from the public and investigate criminal cases. They are generally well motivated and willing to work and performed creditably in providing security during the presidential election. They are young and inexperienced, however, and lack proper infrastructure and equipment. They need further training in management, crime investigation and the planning of security events and most would benefit from additional firearms and driver training.

14. The most serious concern is the absence of competent senior officers and overall leadership. The impact of inadequate experience and leadership can be seen from a number of instances when Haitian National Police personnel have used

unwarranted or disproportionate force, often resulting in incidents that could have been avoided. A case in point was the unnecessary use of a firearm by a Haitian National Police officer in the slum of Cité Soleil, which caused the accidental killing of a child on 23 November 1995 and resulted in riots and the burning of the police station by the enraged populace. The Haitian National Police did not re-enter the area for two weeks and the only security during that period was that provided by UNMIH patrols. Lack of leadership has also affected the discipline of the force, leading to incorrect behaviour, which in turn undermines its authority, and respect for it. Senior management in the Haitian National Police itself and UNMIH members monitoring the force agree that, before they can reasonably be expected to manage things on their own, these young officers need the support that only the physical presence and guidance of experts and seasoned policemen can provide.

15. With respect to equipment, the United States, through ICITAP, has provided various items, including some vehicles, weapons and office furniture, while UNMIH, through the dedicated Trust Fund, has coordinated and supported the procurement of fire-fighting equipment, ambulances and other vehicles, as well as other equipment to enable the Haitian National Police to discharge its duties. Japan, the Republic of Korea and Luxembourg have contributed financially to the Trust Fund. The Haitian National Police, however, still needs considerably more resources to meet its basic equipment and infrastructural requirements, including the repair and construction of police stations. These needs are most urgent, and I again appeal to Member States to contribute generously to this worthwhile cause and enhance the capabilities of the Haitian National Police to meet the many challenges ahead.

V. JUDICIARY AND PRISON SYSTEMS

16. The situation with regard to the penitentiary system remains critical. The lack of infrastructure and equipment hampers the functioning of the inexperienced and overburdened National Penitentiary Administration. Earlier progress has been jeopardized by a sharp increase in the prison population, particularly in Port-au-Prince. With a monthly growth of 10 per cent by the end of 1995, the total number of inmates has reached 2,300 in the country's 18 prisons. The Ministry of Justice is coordinating efforts to prevent unnecessary arrests and to accelerate the processing of prisoner files by the judicial system. A joint National Penitentiary Administration-Haitian National Police working group will prepare plans to improve prison security.

17. In late December 1995, the United Nations Development Programme (UNDP), the United States Agency for International Development (USAID) and the French Government signed a multilateral agreement with Haiti under which they will cofinance a US$ 2.9 million project for the rehabilitation of jails and the training of penitentiary personnel. A team of trainers has been set up and training is expected to start by mid-February 1996, as is the process of rehabilitating prisons.

18. The training of judicial personnel continued at the Justice Academy. Courses were organized for Justices of the Peace and Examining Judges in November-December 1995. Similar courses will be organized until all judicial

personnel have been covered. With respect to infrastructure, a programme of rehabilitation and construction of court houses has been prepared.

VI. DEVELOPMENT ACTIVITIES

19. In my last report, I mentioned that the improved conditions in the third quarter - e.g. lower inflation, stable foreign exchange, increasing public and private investments, lower unemployment - had come to a halt by mid-October, when Prime Minister Smarck Michel resigned, largely as a result of the uncertainty on economic policy, including privatization measures. While public investments have continued at a considerable pace in the fourth quarter, mainly financed by foreign aid, private investments have remained very sluggish and instances of the flight of capital have reappeared.

20. A team from the Bretton Woods institutions, the Inter-American Development Bank (IDB) and the European Union held discussions with the Haitian authorities, led by the Prime Minister, in the last week of January 1996 in Port-au-Prince. Further negotiations on a new structural adjustment package will take place once the new Government has assumed power. Meanwhile, local and foreign businessmen are likely to remain cautious, and private investment will be subdued. Uncertainty regarding security conditions after the departure of UNMIH also contributes to this cautious approach.

21. The macroeconomic equilibrium, in particular the fiscal balance, has been seriously affected by the apparent change in policy since early October. As disbursements of structural adjustment-related loans were put on hold, a large financial gap emerged in the fiscal budget in the last quarter of 1995. This affected the balance of payments, and the exchange rate came under severe strain. Indeed, between mid-October and mid-November, the gourde depreciated by more than 20 per cent; it recovered after an intervention by the Central Bank, which sold more than US$ 20 million of reserves. Traditionally high foreign remittances by Haitian emigrants during the Christmas period have also helped to stabilize the gourde, at least temporarily.

22. The weakening of the gourde and the change in expectations in mid-October had a measurable impact on inflation, reversing a decline that had started in March. The rise in prices for food products, a large proportion of which is imported, was sharper than the rise in the cost-of-living index, increasing by 5.4 per cent in October-November 1995. This has strained the already limited budget of most Haitian households and, together with the substantial gap between aspirations and reality, partly explains the considerable increase in public demonstrations.

23. The budget proposal presented to the Chamber of Deputies includes current expenditure of approximately US$ 300 million, (about 6 per cent lower than the previous year) and a large development budget of around US$ 434 million. Total revenues for the fiscal year 1995/96 are projected at US$ 227 million (i.e. a monthly average of about US$ 19 million). Average monthly fiscal revenues from 1 October to 15 December 1995 amounted to approximately US$ 13 million, underlining the importance of new revenue-enhancing measures. Dependence on foreign assistance remained high, with around a quarter of current fiscal

expenditures funded by foreign resources, down from a third during the previous year. Virtually the entire public investment or "development" budget is expected to be financed by foreign non-concessional and aid funds.

24. The continuation of development cooperation efforts was critical in maintaining the pace of the Haitian economy. As stated in my previous report, total humanitarian and technical assistance and financial commitments by multilateral and bilateral donors and creditors for the period October 1994 to the year 2000 identified by end-August 1995 reached US$ 1.7 billion. Of these resources, about a third (including balance-of-payment support and debt forgiveness) were utilized between October 1994 and the end of 1995, but new commitments have been made since August 1995. Thus, external resources available for the next few years continue to be well above US$ 1 billion. This figure is still several times the annual gross domestic investment in infrastructure, machinery and equipment and attests to the critical need for an improved absorption capacity.

25. USAID was at the forefront of total disbursement since the return of President Aristide. Gradually, financing from IDB, the non-conditional resources of the World Bank and the European Union began to play a larger role. Bilateral donors like Canada, France and Germany continue to serve as an important source of concessional funding. Other donors, such as Japan, Spain and Switzerland, have also become more active in support of development programmes.

26. Sixteen Latin American and Caribbean countries under the sponsorship of the Latin American Economic System (SELA) and UNDP met in Port-au-Prince from 22 to 24 November 1995 to negotiate 144 development cooperation projects with the Haitian authorities. This unprecedented effort at horizontal cooperation led to agreement on 22 projects totally financed and 73 projects partially financed by Latin American and Caribbean countries. For the latter, tripartite agreements involving countries from the region, traditional multilateral and bilateral donors and the Government of Haiti will be sought. The financing of the remaining 49 projects is still under consideration.

27. Since my last report, the specialized agencies and programmes present in Haiti - UNDP, including the United Nations Capital Development Fund (UNCDF) and the United Nations Volunteers programme (UNV), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) - have taken further steps to contribute to the implementation of the emergency economic recovery programme, while paying increasing attention to the developmental aspects of their activities. On 12 December 1995, under the leadership of the Resident Coordinator, these eight institutions, the International Monetary Fund (IMF) and the World Bank met to consider joint activities, emerging issues and priorities, their future programmes and interactions, and post-UNMIH activities. My Special Representative addressed that meeting and discussed current and future security and development-related issues with the representatives of these institutions.

During the meeting, the following elements were identified as critical in the Haitian context:

(a) The link between security and development. The former is critical for the latter, yet, without development, security cannot be assured;

(b) Poverty alleviation should be the focus of interventions by the United Nations system in Haiti;

(c) Sustainable development requires improved governance and protection and regeneration of the environment;

(d) Increased participation, in particular the advancement of women, is the key to making the most effective use of the country's human resources.

28. Increased absorption capacity, a critical aspect of improved governance, is a concern identified not only by United Nations programmes, specialized agencies and the Bretton Woods institutions, but also by bilateral and other multilateral donors. Indeed, several of them have programmes at the level of different ministries to improve management and increase absorption capacity. In order to harmonize such activities, including cooperation programmes with the Parliament, the Prime Minister and UNDP agreed on 22 December 1995 to a project to establish a unit in the Office of the Prime Minister to coordinate all existing programmes and new initiatives in this field.

29. The recent parliamentary and local elections have provided Haiti with renewed institutions: the Senate, the Chamber of Deputies, the mayors and the conseils d'administration des sections communales. At a time when members of Parliament are striving to assume their responsibilities, technical, secretarial and infrastructural facilities are clearly inadequate. UNDP, USAID and the Inter-Parliamentary Union are working with the Haitian authorities to strengthen the Parliament in order to enable it to play its role fully, and an agreement was signed between the Haitian authorities and UNDP on 17 November 1995 to that end. Meanwhile, UNDP financed and helped the Ministry of Interior to organize, from 18 to 20 October, a seminar for the newly elected mayors to assist them in their work. UNDP is discussing with national and local authorities additional support to the mayors and conseils d'administration des sections communales administrators to enable them to provide the population with the essential services they were elected to render.

VII. OPERATION OF UNMIH AND TRANSFER OF ITS RESPONSIBILITIES TO THE GOVERNMENT OF HAITI

Tasks undertaken by UNMIH

30. Since it took over responsibilities from the multinational force on 31 March 1995, UNMIH has assisted the Government of Haiti in sustaining a secure and stable environment and protecting international personnel and key installations. It established an environment conducive to the organization of free legislative, local and presidential elections and provided technical assistance for the entire electoral process. It has assisted with the creation

of the Haitian National Police, providing much-needed on-the-job training and guidance to the new Haitian policemen in the field. As the development of a cadre of competent supervisors both in the field and at the administrative level has lagged behind the training of basic-level policemen, CIVPOL has, since January 1996, focused on assistance in the organization of the managerial components of the offices of the departmental commissioners and the major commissariats of the Haitian National Police, and hopes to begin leadership training for those occupying junior and senior management positions in the Haitian National Police. In addition, a number of CIVPOL officers with expertise in areas such as finance, computers, personnel, logistics and communications are being identified and will be seconded to Haitian National Police Headquarters.

31. Since April 1995, UNMIH has provided security to humanitarian convoys, airports, seaports, storage locations and United Nations installations. With financial contributions from the Caisse française de développement and IDB, UNMIH engineering units have rebuilt the bridge in Jacmel that was washed away late in 1994. President Aristide participated in the opening of the new bridge on 15 December 1995. Contingents from Canada, the Netherlands and the United States have provided the stimulus for small development projects sponsored by their respective Governments, and other UNMIH contingents have also contributed to these activities. Overall, some 1,000 small projects, including training courses on disaster relief and prevention, were initiated by the Mission. As a result, conditions in rural communities have been improved, creating goodwill for UNMIH's contingents. The UNMIH Civil Affairs Unit is developing a plan for the completion of most of these projects prior to 15 February 1996. Responsibility for the completion of the remaining projects will be transferred to local communities or governmental and non-governmental agencies.

Drawdown of UNMIH

32. By its resolutions 940 (1994) of 31 July 1994 and 975 (1995) of 30 January 1995, the Security Council authorized the deployment in Haiti of up to 6,000 troops and 900 civilian police officers and requested me, inter alia, to ensure that the force level of UNMIH was suited to the tasks of the Mission and was kept under constant review.

33. Mindful of the need for economy, I started in October 1995 to reduce UNMIH's staff. By the end of January 1996, the number of civilian staff had decreased from 619 to 500 (170 international staff, 29 UNVs and 301 local staff members). All members of the Electoral Assistance Unit left Haiti during January 1996, following the presidential elections on 17 December 1995. By the end of February, only 155 international civilian staff, 29 UNVs and 237 local staff members will remain in UNMIH.

34. A phased reduction of CIVPOL personnel was conducted between October 1995 and January 1996, when 539 personnel from Argentina, Guinea-Bissau, the Philippines, Bangladesh, Jordan, Pakistan, Barbados, Saint Kitts and Nevis, Saint Lucia and Suriname left Haiti. At the end of February, a total of approximately 300 French-speaking personnel from Algeria, Benin, Canada, Djibouti, France, Mali, Togo and the Russian Federation will remain in Haiti.

35. On the military side, the concept developed for the reduction of the force level envisages the gradual vacating of outlying areas, starting with the least troublesome operational sectors and culminating in a reduced force in Port-au-Prince and Cap Haïtien. The primary base camps will be closed once the last contingents have departed from a particular sector.

36. The reduction of the force level was initiated with the repatriation of the Suriname contingent from Sector III (Jacmel) in mid-November 1995, the Indian military police company from Sector V (Port-au-Prince) at the end of that month, the Guatemalan military police company from Sector I (Cap Haïtien) in mid-December 1995, and the Honduran contingent from Sector II (Saint Marc) in mid-January 1996. The phased closure of the operational sectors where UNMIH military contingents have been deployed began in mid-January 1996 with the withdrawal of the Caribbean Community (CARICOM) contingent from Sector IV (Les Cayes and Jérémie). In February 1996, after the repatriation of the Netherlands and Nepalese contingents, Sectors II and III will be vacated. By 29 February, the troop level will be down to 4,100 combat personnel from Bangladesh, Canada, Djibouti, Pakistan and the United States, deployed in Port-au-Prince and Cap Haïtien.

Transfer of responsibilities to the Government of Haiti

37. UNMIH has paid special attention to the planning of a smooth and orderly transfer to the Government of Haiti of the responsibilities and functions that it has been carrying out on behalf of the Government. At the first meeting of the Trilateral Commission convened in Port-au-Prince on 16 November 1995, comprising the Government of Haiti, the United Nations and the Friends of the Secretary-General for Haiti (at the time Argentina, Canada, France, the United States and Venezuela), it was agreed that joint working groups would be formed to deal with all issues pertaining to transition. The working groups - on disarmament; information; justice, prisons and human rights; presidential security; election security; airports, seaports and coastguards; fire-fighting and urban disorders; and traffic - have subsequently met and reported to a follow-up committee. The Trilateral Commission met again at plenary level in Port-au-Prince on 19 January 1996 and is due to hold its third meeting on 16 February.

38. The assumption of presidential security responsibilities by the Presidential Security Unit, the National Presidential and Residence Guard and the Haitian National Police is under way and is progressing well. For the first time, security for a visit of President Aristide to Port-Salut and Les Cayes on 12 November 1995 was provided mainly by Haitian personnel. For the time being, UNMIH continues to maintain a small command and control presence at the National Palace to provide back-up security. A 156-man Haitian police riot control team is being trained with the support of France, which is also providing the necessary equipment, and ICITAP. This training will be completed by 23 February 1996.

39. The transition with regard to the overall responsibility at the Port-au-Prince international airport has already begun. The security of the airport itself is being provided by the Haitian National Police. UNMIH forces have started to hand over perimeter and gate security responsibilities to the

Haitian National Police, which will take full charge of these functions by 15 February 1996. Transfer of responsibility for the exterior security of the seaport will be completed by 21 February. The Government of Haiti, with Canadian and United States support, is in the process of setting up a new coastguard.

VIII. POSSIBLE FUTURE TASKS AND STRENGTH OF UNMIH

40. The courage and resilience of the people of Haiti, the resolve of President Aristide and the support of the international community ensured that Haiti's democratic experience did not end with the coup d'état of 1991. Since President Aristide's return in October 1994, Haiti has taken a number of steps to strengthen democracy. Local and legislative elections and the presidential election have taken place in an environment of calm and peace, and Haiti has witnessed the orderly and constitutional transfer of power from one democratically elected President to another. Parliament is applying itself to play its assigned role, and measures are being taken to improve the functioning of the judiciary. In keeping with its mandate, UNMIH has helped to maintain the secure and stable environment, without which these changes for the better would not have been possible.

41. While there is no indication of an organized threat to the Government of Haiti at this time, concern has been expressed in many quarters that growing popular discontent could be used by disgruntled groups to foment trouble once President Aristide has handed over power and UNMIH leaves the country.

42. Widespread unemployment and underemployment, inadequate or non-existing services and infrastructure and other economic hardships are weighing on the people of Haiti who, as can be seen from the growing number of demonstrations, are getting restive. The Government of President Préval will have to take a number of difficult decisions to energize economic development and attract domestic and foreign investment. But, for his efforts to succeed, the security climate needs to be judged satisfactory and stable by prospective investors - be they nationals, Haitian expatriates or foreigners.

43. The large amount of financial and technical assistance that is available to Haiti gives the new Government an opportunity to foster economic and social progress. The holding of the presidential elections in December 1995 restored some confidence in the country's stability. However, the direction of social and economic policies will remain the key determinant of private investment and improved living conditions. In the current context, policy decisions in the first months of the new Government and improved administrative management will be critical for private resource mobilization, as well as for the ability to put available foreign aid to meaningful use.

44. The end of the present mandate of UNMIH comes just three weeks after the inauguration of the newly elected President of the Republic. By the time UNMIH is due to cease all its operations - 29 February 1996, at midnight - Mr. René Préval will scarcely have had time to form his cabinet and secure parliamentary ratification for it. The new Ministers will be just beginning to

familiarize themselves with their responsibilities and will be handicapped by an inadequately trained, inexperienced and ill-equipped civil service.

45. As for the Haitian National Police, it must be remembered that just over a year ago, the creation of a national police was a project that was still struggling to get off the ground. In March 1995, the Police Academy began training its first class of cadets, who graduated and were deployed in June. The new police was received with open arms by the population, and its performance in the streets of Cap Haïtien and Port-au-Prince during the first weeks of deployment was full of promise. At last, Haiti could look forward to a force that was there to protect, not persecute; to help others rather than help themselves; to serve the public and not be served. They are still looked on favourably in most places by their fellow citizens but their image has been deteriorating. But the last class of the Haitian National Police, due to graduate around mid-February 1996, will have had no more than a few days of actual field experience by the time UNMIH is scheduled to leave. Furthermore, the scarcity of equipment - vehicles, communications, even handcuffs and batons, accommodation which is often very poor, and the near-total absence of experienced leadership are responsible for a lack of self-confidence among these quickly trained and mostly very young policemen. This has led to cases of indiscipline, disproportionate use of force and abuse of power, which are starting to raise questions in many people's minds.

46. For all these reasons, observers are nearly unanimous in saying that this young police force needs support for a while longer and that UNMIH should not, therefore, cease its activities abruptly on 29 February 1996 but should continue to assist the Government for a few more months, while its assets are gradually withdrawn. The Trilateral Commission meetings, which started on 16 November 1995, have reached the same conclusion and strongly recommend that the drawdown plan of UNMIH should be shaped in a manner that takes these considerations into account.

47. In these circumstances, I welcome the request, contained in President Préval's letter to me of 9 February 1996, that UNMIH's mandate should be extended and its withdrawal carried out gradually over a period of months. I believe it essential that, while the Haitian National Police is completing preparation for the full assumption of its duties, UNMIH should continue to provide support to the Government of Haiti in its efforts to exercise its responsibility for the maintenance of law and order in a very difficult environment. I therefore recommend an extension of the mandate of UNMIH for a period of six months starting 1 March 1996. I further recommend, in the light of the gradual transfer of some of its earlier functions to the Haitian authorities, that the strength of both its military and its CIVPOL components be reduced on the lines described in paragraphs 51 to 54 below.

Mandate of UNMIH after 29 February 1996

48. With the building up of the Haitian security forces and the gradual transfer of responsibilities to those forces, the level of assistance required will continue to decrease. For instance, specialized units, such as the Presidential Security Unit, the National Presidential and Residence Guard, the Ministerial Guard and the Court Security Unit, will require only minimal

assistance. It will soon be necessary to provide security for the former President, but the additional assistance needed by the Haitian authorities to meet this demand will also be minimal. Port and airport security is being handed over to Haitian security forces. Operations such as city patrolling or escorting humanitarian convoys are being gradually transferred to the Haitian National Police, so that UNMIH forces will serve mainly as a back-up to the Haitian National Police and CIVPOL. Elections for territorial assemblies may be held during the next six months, in which case UNMIH could assist in maintaining an environment conducive to their free and fair conduct. With respect to the professionalization of the security forces, it will be recalled that FAd'H has been dismantled; UNMIH will continue to focus on training the new civilian Haitian National Police.

49. In other words, the tasks to be undertaken under an extended mandate would be consonant with the purposes of those originally entrusted to UNMIH by the Security Council in its resolutions 867 (1993), 940 (1994) and 1007 (1995). But it must be clear that the efforts devoted to their implementation would have to take into account the reduced strength of the military and CIVPOL components of UNMIH, as well as improved conditions in Haiti and the new Government's objectives. Primary responsibility for the maintenance of a stable and secure environment rests with the Haitian Government. In assisting the Government of Haiti in this regard, UNMIH would continue to operate with the full consent of the legitimate authorities of the country and in close cooperation with them. Many of the units that it is envisaged would comprise the downsized UNMIH are already in Haiti and most of the CIVPOL personnel who would remain in UNMIH are experienced and familiar with the country, its people and culture. This would permit continuity in operations. Rules of engagement would remain as described in paragraphs 64 and 65 of my report of 17 January 1995 (S/1995/46).

50. In accordance with the usual practice, preliminary consultations have been conducted with Member States to secure contributions of the necessary military and CIVPOL personnel, should the Security Council decide to extend the mandate. It is envisaged that, subject to confirmation of the agreement of the Governments concerned, the military component of UNMIH would be composed of contingents from Argentina, Bangladesh, Canada and Pakistan. Algeria, Benin, Canada, Djibouti, France, Mali, Togo, the Netherlands and the Russian Federation have indicated that they would be prepared to contribute to the CIVPOL component of the Mission.

51. In order to achieve the Mission's objectives as described above, 1,600 infantry personnel, 300 combat support personnel, 300 CIVPOL, 160 international civilian staff, 18 UNVs and 150 local staff would be required.

52. The military component would consist of three infantry battalions, including two incoming reconnaissance companies and a Quick Reaction Force, based on infantry and helicopter assets that would be stationed in Port-au-Prince. The combat support elements would include an engineer company, a transport platoon, an aviation squadron, a field hospital, a military police platoon and headquarters personnel.

53. Two operational zones would be drawn up with their respective centres of gravity in Port-au-Prince and Cap Haïtien (see map). One battalion would remain

in zone II in the North and two battalions would assume responsibilities in operational zone I (Centre/South). The Quick Reaction Force would need the capability to deploy by vehicle or by helicopter, with a minimum capacity to carry one platoon and one vehicle, to respond rapidly to occurrences on the ground in areas outside Port-au-Prince and Cap Haïtien where the military presence of UNMIH would be maintained only by periodic patrols conducted by two reconnaissance companies. In conducting operations throughout Haiti, the reduced UNMIH would need to maintain sufficient air assets in the form of light and medium-lift helicopters. This capability would be even more important in view of the CIVPOL component's deployment throughout Haiti.

54. In order to make an orderly transition to a smaller military component of UNMIH, the following plan has been developed:

(a) The United States would end its peace-keeping commitment to UNMIH as of 29 February 1996. However, the United States Government has agreed to leave 320 support personnel for the closure of the base camps and to provide the Mission with helicopter assets and medical units until their replacement by similar incoming units, on condition that this replacement takes place no later than 15 April 1996. All other United States forces will leave Haiti by 15 March 1996;

(b) The rotation of the contingent from Pakistan, due in mid-March, will reduce its present strength of 850 personnel to 525. As of 15 March 1996, after the departure from Haiti of the 1,400 United States and 325 soldiers from Pakistan, the strength of UNMIH's military component would be 2,700 personnel;

(c) No later than mid-April, with the repatriation of the United States support personnel, the departure of the Djibouti contingent soon after, the reduction of the Bangladesh contingent from 850 to 525 personnel and the arrival of new units, the strength of the military component would be 1,600 infantry and 300 combat support personnel.

IX. FINANCIAL ASPECTS

55. The General Assembly, by its resolution 50/90 of 19 December 1995, authorized me to enter into commitments in connection with the maintenance of UNMIH at a rate not to exceed US$ 10 million (gross) per month for the period from 1 March to 31 May 1996. This authorization is subject to a decision of the Security Council to extend the mandate of the Mission.

56. The preliminary cost estimate for the continuation of UNMIH, at the reduced strength recommended above and for a six-month period until 31 August 1996, would amount to US$ 56.1 million. Should the Security Council decide to extend the mandate of UNMIH, I would then seek the additional resources required from the General Assembly at its resumed fiftieth session. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in annex I to the present report.

57. As at 22 January 1996, unpaid assessed contributions to the UNMIH special account since the inception of the Mission amounted to $60 million. The total of outstanding assessed contributions for all peace-keeping operations on 22 January 1996 was US$ 1,680.3 million.

X. OBSERVATIONS

58. The work of UNMIH and of the multinational force that preceded it has provided Haiti with an opportunity to build up the public security service, the judiciary and the civil service and create the other conditions needed for economic and social development to advance and for democracy to take firm hold. But as the present report makes clear, much remains to be done before it can be said that democratic rule is secure in Haiti and its people have embarked irreversibly on the road to peace, tolerance and prosperity. This, basically, is why I recommend in the present report that the Security Council should give a positive response to President Préval's request and I therefore propose that the Security Council extend the mandate of UNMIH for a further period of six months.

59. I have also recommended that the Mission should be substantially reduced from its present strength. This is partly due to the fact that some of the present functions of UNMIH have been transferred to the new institutions which, with its help, are being established in Haiti. But a reduction in the size of the Mission is also necessitated by the financial crisis in which the United Nations now finds itself. I shall be alert to further opportunities to economize during the proposed extension of the mandate so that UNMIH can complete its tasks at the lowest possible cost to the Member States.

60. The people of Haiti have started on the long road towards a democratic and peaceful society where the benefits of development can be enjoyed by all Haitians. But they and their leaders know well that although they can be proud of what has been done in the short period since the return of constitutional government, they still face formidable challenges. They also know that, important and useful as international assistance may be, it is ultimately the Haitians themselves, and they alone, who are in charge of their present and responsible for their future.

61. It is essential that the continued commitment I am asking the international community to make to Haiti at a time of acute financial crisis in the United Nations be matched with a renewed commitment by the Haitian people, by their political and civic leaders and by their Government. This opportunity is unique in Haiti's long and often turbulent history. It could not be missed without grave consequences. The people of Haiti must mobilize their energies, put aside their differences and work together to rebuild their country in a way that brings benefit for all.

62. I would like to pay tribute to President Aristide for his leadership and sagacity in steering Haiti on the road to democracy and to thank him and his Government for the cooperation extended to UNMIH. I wish President René Préval well and assure him of the continued support of the United Nations and its agencies and programmes. I call upon the international community as a whole to renew its commitment to support Haiti, its people and its new President.

63. I thank the international community and those organizations, programmes and agencies that have assisted the electoral authorities of Haiti in their work throughout 1995, particularly OAS, whose Electoral Observation Mission monitored and verified the elections.

64. I would also like to commend the troops, civilian police officers and international civilian personnel who performed their duties under challenging circumstances and made an important contribution to the difficult task of promoting the restoration of democracy in Haiti. Throughout this period, the Force Commander Major-General Joseph W. Kinzer and Chief Superintendent Neil Pouliot have provided distinguished leadership to their personnel.

65. In concluding the report, I wish to commend my Special Representative, Mr. Lakhdar Brahimi, for his outstanding leadership, which ensured the remarkable achievements of UNMIH.

Annex I

Estimated cost of UNMIH for the period from 1 March to 31 August 1996

(In thousands of United States dollars)

Military personnel	21 670
Civilian personnel	15 700
Premises/accommodation	1 680
Infrastructure repairs	150
Transport operations	2 100
Air operations	2 060
Naval operations	70
Communications	530
Other equipment	470
Supplies and services	7 770
Election-related supplies and services	0
Public information programmes	120
Training programmes	0
Mine-clearing programmes	0
Assistance for disarmament and demobilization	0
Air and surface freight	1 590
Integrated Management Information System	0
Support account for peace-keeping operations	800
Staff assessment	1 390
Total	56 100

Annex II

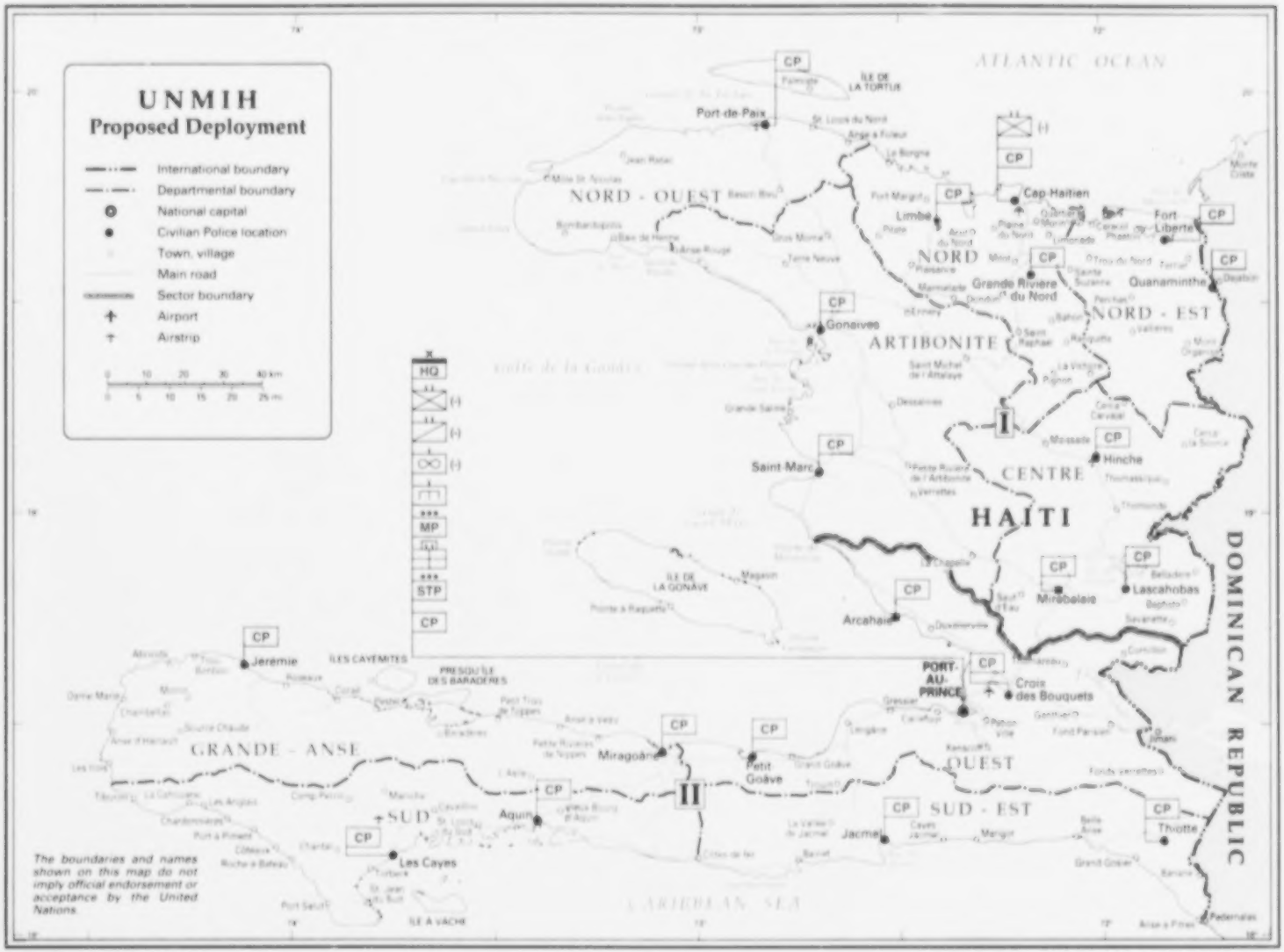
Composition and strength of the military component of UNMIH as of 1 February 1996

Nationality	Operational military forces	Support military forces	Force headquarters	Total
Bahamas			1	1
Bangladesh	Infantry 847		15	862
Canada		Aviation Engineer 447 Transport	23	470
Djibouti	Infantry 198		2	200
France			1	1
Guyana			1	1
Honduras			2	2
India			1	1
Ireland			2	2
Jamaica			1	1
Nepal	Infantry 409		2	411
Netherlands	Infantry 151		2	153
Pakistan	Infantry 844		12	856
Trinidad and Tobago			1	1
United States of America	Infantry, Military Police, Special Operations Forces 1 271	Aviation Engineer 534 Medical	48	1 853
Total	3 720	981	114	4 815

Annex III

Composition and strength of the civilian police component of UNMIH as of 1 February 1996

Algeria	15
Benin	34
Canada	92
Djibouti	14
France	92
Mali	24
Nepal	53
Russian Federation	5
Togo	20
Total	349



Map No. 3688 Rev. 3 UNITED NATIONS
February 1996

Department of Public Information
Cartographic Section

UNITED
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Security Council

Distr.
GENERAL

S/1996/113
15 February 1996

ORIGINAL: ENGLISH

LETTER DATED 15 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your report dated 6 February 1996 (S/1996/83) concerning your intention to restructure the United Nations missions in Bosnia and Herzegovina and the Republic of Croatia has been discussed by the members of the Council. They have taken note of your report with appreciation.

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

96-03712 (E) 150296 160296

UNITED
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Security Council

Distr.
GENERAL

S/1996/114
15 February 1996

ORIGINAL: ENGLISH

LETTER DATED 15 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a statement by the Ministry of Foreign Affairs of Georgia, dated 13 February 1996, regarding the continuous harassment of the Georgian population in the Gali region by the Abkhaz authorities.

May I ask for your kind assistance in circulating this statement as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Permanent Representative

96-03658 (E) 150296
9603658

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Annex

Statement of the Ministry of Foreign Affairs of Georgia
dated 13 February 1996

A shocking new fact of gross violation of the Georgian population in Gali (Abkhazia) has become known.

On 9 February 1996 an Abkhaz armed group took 70 people of Georgian nationality (former refugees who had returned to their homes) as hostages, women and children among them.

Harassment of the Georgian population by the Abkhaz separatists in this region continues, despite the deployment of the Russian peace-keeping forces here.

The violations impudently challenge numerous resolutions of the United Nations and decisions of the Summit of the States members of the Commonwealth of Independent States adopted in Moscow on 19 January 1996.

The Ministry of Foreign Affairs of Georgia considers that the continuous violations in Abkhazia will lead to the most dramatic consequences and will not promote the settlement of the conflict.

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General Assembly
Security Council

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S/1996/115
15 February 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 28
THE SITUATION IN BOSNIA
AND HERZEGOVINA

SECURITY COUNCIL
Fifty-first year

Letter dated 14 February 1996 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

On behalf of the European Union, I have the honour to transmit to you herewith a declaration of the Presidency of the European Union on Mostar, issued today.

I would be grateful if you could have the text of the present letter and its annex circulated as a document of the General Assembly, under item 28, and of the Security Council.

(Signed) F. Paolo FULCI
Permanent Representative

96-03669 (E) 160296 170296

/...

Annex

[Original: English and French]

Declaration of the Presidency on behalf of the European Union on Mostar, dated 14 February 1996

The European Union is firmly committed to achieving the objectives of the European Union Administration in Mostar, as stated in the memorandum of understanding of 5 July 1994. The Union reaffirms its confidence in the European Union Administrator, Hans Koschnick, and fully supports his efforts to overcome present obstacles. The Union strongly condemns the recent inadmissible attacks against the Administrator and his staff, whose safety and role must be fully guaranteed by all parties concerned.

The Union recalls that, on 14 January 1996, the parties asked for the arbitration of Mr. Koschnick on the implementation of the agreement of 10 November 1995 concerning Mostar and that they committed themselves to accept his decision.

The European Union therefore deems that the decision on the delimitation of the municipal boundaries taken by the European Union Administrator must be respected. Actions by the European Union will be in support of that decision and will be taken with the agreement of the European Union Administrator. To this end the Presidency presented ideas to the parties on 11 February, previously agreed with the Administrator. As far as the provisions on the central zone of the city are concerned, the Administrator will envisage a gradual implementation of the return of refugees. This will however not affect the timetable planned for the implementation of the memorandum of understanding, namely as regards the holding of elections.

The European Union recalls the obligations for the parties arising from the memorandum of understanding on Mostar of July 1994 and the agreement of 10 November 1995. Such obligations bind not only the local parties, but also the Governments of Croatia and Bosnia and Herzegovina, which have subscribed as witnesses to the agreement of 10 November 1995. The Union considers all the parties responsible for the evolution of the situation in Mostar.

The Union trusts that the authorities of the Republic of Croatia in particular will give full and concrete follow-up to their assurances that they are supporting the functioning of the European Administration.